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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/607,029	06/27/2003	Chang Wook Han	065543-5013	5609
9629 7590 07/21/2008 MORGAN LEWIS & BOCKIUS LLP 1111 PENNSYLVANIA AVENUE NW WASHINGTON, DC 20004				
EXAMINER QUINTO, KEVIN V				
ART UNIT 2826		PAPER NUMBER		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/607,029

Applicant(s)

HAN, CHANG WOOK

Examiner

Kevin Quinto

Art Unit

2826

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 April 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 4-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 10-14 is/are allowed.
- 6) ☒ Claim(s) 4, 5 and 9 is/are rejected.
- 7) ☒ Claim(s) 6-8 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-946)
- 3) ☐ Information Disclosure Statement(s) (PTO/CDC)
- 4) ☐ Interview Summary (PTO-413)
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____
- Paper No(s)/Mail Date _____

DETAILED ACTION

Response to Arguments

1. The indicated allowability of claims 4-9 is withdrawn in view of the newly discovered reference(s) to Hayakawa et al. (USPN 6,858,898 B1). Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 4, 5, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Hayakawa et al. (USPN 6,858,898 B1).

4. In reference to claim 4, Hayakawa et al. (USPN 6,858,898 B1, hereinafter referred to as the "Hayakawa" reference) discloses a structure which meets the claim. Figures 1(A)-1(E), 2(A)-2(D), 12(A), 6, and 12(B) of Hayakawa disclose an active matrix organic electro luminescence display panel device. There is a substrate (100) with at least one low refractive thin film (101a, 201a) formed directly on it. An organic electro luminescence diode (3302, 3304, 3305) is formed on the low refractive thin film (101a,

201a) to selectively emit light. The examiner would like to note that the use of the word "on" by itself does not necessarily mean direct contact between two objects or layers in the semiconductor art. The word "on" by itself could mean that there may possibly be one or several layers between the two objects or layers to which the word "on" is referring. The applicant appears to interpret the word "on" in the same manner. A switching device (206, 3202) is formed on the low refractive thin film (101a, 201a) for selectively driving the organic electroluminescence diode. A capacitor (223, 207b, 205) is formed on the low refractive thin film (101a) in order to sustain light emission of the organic electro luminescence diode.

5. With regard to claim 5, there is a first electrode (260, 3305) formed of transparent conductive material on the low refractive thin film (101a, 201a) and connected to the switching device (206, 3202). An organic light emission layer (3304) including an organic luminous material is on the first electrode (3305). A second electrode (3302), including a metal material, covers the organic light emission layer (3304), the switching device, and the capacitor.

6. In reference to claim 9, there is at least one fourth insulating layer (205, 250, 257, 258, as well as the unlabeled interlayer dielectric over layer 250 in figure 12(B)).

Allowable Subject Matter

7. Claims 10-14 are allowed.

8. Claims 6-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. The following is a statement of reasons for the indication of allowable subject matter: the examiner is unaware of any prior art which suggests or renders obvious an active matrix organic electro luminescence display panel device with the explicit layer structure with regard to the low refractive thin film directly on a substrate in combination with a buffer layer and the explicit transistor electrode connections as suggested in claim 6. The examiner is also unaware of any prior art which suggests or renders obvious an active matrix organic electro luminescence display panel device with an organic electro luminescence diode being formed on a low refractive thin film (the refractive rate being less than or equal to 1.5) which is formed on a substrate while a switching device that drives the diode is formed between the substrate and the low refractive film while an additional insulating layer covers it as suggested in claim 14.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Quinto whose telephone number is (571) 272-1920. The examiner can normally be reached on M-F 8AM-5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sue Purvis can be reached on (571) 272-1236. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2826

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Kevin Quinto/
Examiner, Art Unit 2826

/Evan Pert/
Primary Examiner, Art Unit 2826